

06 14.03.2024
AN Ct. No. 01
RP

WPA(P) 95 of 2024

Smt. Manika Paul
Vs.
State of West Bengal & Ors.

Mr. Asis Kr. Das
Mr. Suman Chattopadhyay
... for the petitioner

Mr. Lalit Mohan Mahata, Id. A.G.P.
Mr. Rudranil De
... for the State

Mr. Bipin Ghosh
... for respondent no. 15

1. By way of this writ petition styled as a Public Interest Litigation, the writ petitioner seeks to challenge an order dated 03.08.2023 passed by the Assistant Registrar of Cooperative Societies, South 24 Parganas Range.

2. This order came to be passed pursuant to a direction issued by the Division Bench of this Court in a Public Interest Litigation in WPA(P) 436 of 2022 dated 05.12.2022. As could be seen from the impugned order, the petitioner was heard by the Assistant Registrar of Cooperative Societies and has passed a speaking order. Therefore, if the petitioner is aggrieved, he has to avail the appellate remedy available under the provisions of the West Bengal Cooperative Societies Act as a writ petition is not the appropriate remedy as the disputed questions of fact have to be gone into which cannot be decided based on affidavits.

3. Therefore, we **dispose of** this writ petition

giving liberty to the writ petitioner to file an appeal before the appellate authority under the provisions of West Bengal Cooperative Societies Act alongwith the copy of this order and if such appeal is filed, the appellate authority shall take on file the appeal and issue notice to the petitioner as well as to the concerned Society, call for records from the Assistant Registrar of Cooperative Societies, South 24 Parganas Range, conduct an enquiry and pass a speaking order on merits and in accordance with law within a period of two months from the date on which the appeal petition is presented.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)